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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,757

05/13/2005

Tutomu Sakamoto

050294

7057

23850 7590 03/22/2007  
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EXAMINER

ROCCA, JOSEPH M

ART UNIT

PAPER NUMBER

3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,757	<b>Applicant(s)</b> SAKAMOTO, TUTOMU	
	<b>Examiner</b> Joseph Rocca	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/13/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3 are rejected as being indefinite because the term "doughnut-like shape" is indefinite, in that the term doughnut like does not clearly define the shape of applicant's invention because the term "doughnut-like shape" could mean many different shapes and dimensions. For instance, a plain, cinnamon, or glazed doughnut typically has a very different shape and dimensions from that of a jelly or Boston Cream type doughnut. Accordingly, the claims require clarification.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Cislo (U.S. 3,123,349). With respect to claims 1 and 2, Cislo (U.S. 3,123,349) discloses an upper mount comprising a body-side member fixed to a body (Fig. 1, Elements 4, 26) and a suspension-side member fixed to a suspension (Fig. 1, Elements 16, 18), characterized in that:

- the suspension-side member is formed in a doughnut-like shape and slidably mounted to the body-side member with a sealed space formed between the suspension-side member and the body-side member (Figs. 1-3), as understood by examiner;
- the body-side member is provided with at least one fluid passage hole for supplying a fluid to the sealed space from outside and at least another fluid passage hole for discharging the fluid from the sealed space (Figs. 1 and 2, Elements 28 and 30); and
- a spacing of the sealed space of the suspension-side member is made changeable by supplying the fluid to the sealed space (Figs. 3 and 4).

Regarding claim 2 the upper mount disclosed by Cislo (U.S. 3,123,349) is further, characterized in that a stopper that makes the spacing of the sealed space constant is provided on the body-side member (Figs. 3 and 4, Element 50).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cislo (U.S. 3,123,349) as applied to claims 1 and 2 above, in view of Cislo (U.S. 3,000,400) and Ballard et al. (U.S. 3,074,709). In addition to disclosing all of the limitations of claims 1 and 2, Cislo (U.S. 3,123,349) is further characterized in that the fluid is

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supplied through one fluid passage hole via a fluid pipe (28) and exhausted from another fluid passage hole (30). Cislo (U.S. 3,123,349) does not specifically disclose that the fluid is supplied to the sealed space from a fluid pressure mechanism provided in a vehicle through the one fluid passage hole via a fluid pipe due to a pump operation performed by opening an electromagnetic valve, and in that the fluid in the sealed space is caused to flow backward to the fluid pressure mechanism from the another fluid passage hole by closing the electromagnetic valve. Cislo (U.S. 3,000,400) discloses the use of a valve wherein, fluid is supplied to the sealed space from a fluid pressure mechanism provided in a vehicle through the one fluid passage hole via a fluid pipe due to a pump operation performed by opening a valve, and in that the fluid in the sealed space is caused to flow backward to the fluid pressure mechanism from the another fluid passage hole by closing the valve (Fig. 1, Elements 116, 120, 140; Col. 3, Lines 20-36). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Cislo ('349) to utilize the valve of Cislo ('400), in view of the teachings of Cislo ('400), so as to create a reliable yet simple means with fewer moving parts than a conventional valve, to operate the vehicle height adjustment system.

The combination of Cislo ('349) and Cislo ('400) does not however specifically teach or disclose the use of electromagnetic valves, although said valves are old and well known in the art. Ballard discloses the use of electromagnetic valves for use in suspension systems for vehicles (Col. 3, Lines 67-75). It would have been obvious to one of ordinary skill in the art at the time of invention to have further modified the Cislo combination to utilize electromagnetic valves, in view of the teachings of Ballard, so as

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to provide a convenient, efficient and reliable means for actuating the system taught by the combination of Cislo ('349) and Cislo ('400).

***Examiner's Note***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Whelan (U.S. 2,965,391) discloses a two-position air suspension control valve, which may be of interest to applicant.
- b. Droegkamp (U.S. 3,150,867) discloses a combination shock absorber and self-leveling device, which may be of interest to applicant.
- c. Guilhamat et al. (U.S. 3,387,856) discloses a hydro-pneumatic suspension system, which may be of interest to applicant.
- d. Ming Chih Yew et al. (U.S. 3,524,657) discloses a vehicle suspension that may be of interest to applicant.
- e. Strauff (U.S. 3,598,422) discloses a vehicle suspension that may be of interest to applicant.
- f. Ming Chih Yew et al. (U.S. 3,599,954) discloses a vehicle suspension that may be of interest to applicant.
- g. Takasaki (U.S. 5,556,082) discloses a cushioning unit, which may be of interest to applicant.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Rocca whose telephone number is 571-272-


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5191. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joseph Rocca  
Patent Examiner  
AU-3616

 3/19/07  
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